

HONORABLE JAMES L. ROBERT

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

MICROSOFT CORPORATION,  
Plaintiff,

v.

MOTOROLA, INC., et al.,  
Defendants.

No. C10-1823-JLR

**MICROSOFT'S (UNOPPOSED)  
MOTION FOR LEAVE TO AMEND  
PRELIMINARY INFRINGEMENT  
CONTENTIONS**

**Noted: Thursday, October 27, 2011**

MOTOROLA MOBILITY, INC., et al.,  
Plaintiffs,

v.

MICROSOFT CORPORATION,  
Defendant.

**MICROSOFT'S (UNOPPOSED) MOTION FOR  
LEAVE TO AMEND PRELIMINARY  
INFRINGEMENT CONTENTIONS**

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1 Microsoft Corporation ("Microsoft") hereby moves, unopposed, for an Order  
2 permitting Microsoft to amend its Asserted Claims and Preliminary Infringement Contentions  
3 ("Infringement Contentions").

4 On September 2, 2011, Microsoft served its original Asserted Claims and Infringement  
5 Contentions on Motorola Mobility, Inc. ("Motorola Mobility"), Motorola Inc., (n/k/a  
6 "Motorola Solutions") and General Instrument Corporation ("General Instrument")  
7 (collectively, "Motorola") pursuant to the Court's Standing Order for Patent Cases and the  
8 Court's August 5, 2011 Minute Order Setting Trial Dates and Related Dates. In those original  
9 Infringement Contentions, Microsoft accused 24 of Motorola's smartphone and tablet devices  
10 of infringing U.S. Patents No. 6,339,780 and No. 7,411,582 (the "Microsoft Patents").

11 Microsoft now moves for leave to amend its Infringement Contentions to include the  
12 Motorola Droid Bionic XT875 ("Bionic"). In a September 7, 2011 press release (attached as  
13 Exhibit A), Motorola announced its plans to release the Bionic to the market the next day. The  
14 Bionic runs the Android operating system, and consequently, Microsoft believes that the  
15 Bionic also infringes the Microsoft Patents. Microsoft intends to include contentions relating  
16 to the Bionic in its amended Infringement Contentions.

17 Microsoft has good cause to amend its Infringement Contentions. The Bionic was not  
18 on the market when Microsoft filed its original Infringement Contentions on September 2,  
19 2011. Microsoft learned of the Bionic's market availability through Motorola's public press  
20 announcement, several days after the parties exchanged infringement contentions.  
21 Furthermore, the Bionic shares strong similarities with the other 24 accused Motorola  
22 smartphone and tablet devices. Like the other accused devices, the Bionic runs the Android  
23 operating system, which forms a substantial basis for Microsoft's Infringement Contentions.  
24 Given these strong similarities, the Bionic is a natural addition to this matter. Moreover, due to  
25 such similarities, Motorola will not be prejudiced by the addition of the Bionic to the case

1 because the addition should not substantially affect any of Motorola's arguments or defenses.

2 Indeed, Motorola does not oppose Microsoft's motion to amend its Infringement Contentions.

3 Finally, this motion to amend is timely. It comes shortly after Motorola announced the  
4 Bionic's market availability (September 7, 2011), well in advance of the deadline for exchange  
5 of Non-Infringement Contentions (December 2, 2011), several months before the Markman  
6 hearing (March 9, 2012), and more than a year before trial (November 26, 2012).

7 Counsel for Motorola has advised that Motorola does not intend to oppose this Motion.  
8 In light of Motorola's non-opposition and the above-described circumstances establishing good  
9 cause, the Court should permit Microsoft to amend its Infringement Contentions in order to  
10 include Motorola's Bionic smartphone as an additional accused product. Microsoft has  
11 included the Bionic in its First Amended Asserted Claims and Preliminary Infringement  
12 Contentions, pursuant to the Court's Standing Order for Patent Cases. A copy of the cover  
13 sheet for the amended Infringement Contentions is attached hereto as Exhibit B.

### 14 CONCLUSION

15 Microsoft respectfully requests that the Court grant this motion, and enter an Order  
16 allowing Microsoft to serve its First Amended Asserted Claims and Preliminary Infringement  
17 Contentions, which include the Bionic as an additional accused product.

18 DATED this 27<sup>th</sup> day of October, 2011.

19 DANIELSON HARRIGAN LEYH & TOLLEFSON LLP

20 By /s/ Christopher Wion

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25

**CERTIFICATE OF SERVICE**

I hereby certify that on October 27, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

**Attorneys for Defendants Motorola Solutions, Inc., Motorola Mobility, Inc., and General Instrument Corporation**

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/s/ Linda Bledsoe  
LINDA BLEDSOE

# EXHIBIT A

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07/09/2011 08:30

## Verizon Wireless and Motorola Raise the Bar with DROID BIONIC™ by Motorola

Unsurpassed power, speed and entertainment on the fastest, most advanced 4G LTE network in America

BASKING RIDGE, N.J. and LIBERTYVILLE, Ill. - Sept. 7, 2011 - Verizon Wireless and Motorola Mobility, Inc. (NYSE: MMI), today announced DROID BIONIC™ by Motorola will be exclusively available beginning Sept. 8.

DROID BIONIC is the first Verizon Wireless smartphone to combine 4G LTE with the power of dual-core 1 GHz processors, 1 GB of RAM and a stunning 4.3-inch qHD display – all in a sleek form factor that makes it the thinnest 4G LTE smartphone from Verizon Wireless. Customers can expect to fly across the Web on the Verizon Wireless 4G LTE network with download speeds of 5 to 12 Mbps and upload speeds of 2 to 5 Mbps in 4G LTE mobile broadband coverage areas.

DROID BIONIC introduces a host of groundbreaking applications and accessories that turn the device into a multimedia hub, a ruler of remote access and a purveyor of virtuality. DROID BIONIC introduces ZumoCast™ by Motorola – an application that lets customers bring their digital world of videos, music, pictures and documents stored on their computers to their handset via remote access. With its revolutionary Webtop application, DROID BIONIC can beam a full-featured Firefox® Web browser 4.0, email or documents to a TV or monitor, like the separately purchased Lapdock™ with a 11.6" screen, keyboard and integrated trackpad.

Accessories such as the HD Station let DROID BIONIC users turn the phone into an entertainment center or home office. Customers can view pictures, video, and content from the DROID BIONIC on any HDTV or monitor by connecting a separately sold HDMI cable. They can also take a conference call while editing documents and surfing the Web. And, of course, the DROID BIONIC lets customers share their 4G LTE signal with up to five Wi-Fi-enabled devices when they activate the Verizon Wireless Mobile Hotspot. The device of the future today: the DROID BIONIC also includes the following features:

- Powered by Android™ 2.3.4 Gingerbread
- Dual-core 1 GHz processor and 1 GB of RAM
- 4.3-inch qHD screen using scratch-resistant Corning® Gorilla® Glass with dual-layer anti-reflective coating
- 8-megapixel autofocus camera with flash and 1080p HD video capture
- Front-facing camera for video chat over 4G LTE, 3G or Wi-Fi
- MOTOPRINT app to print via Wi-Fi-enabled printers
- Mirror Mode with HDMI out (HDMI cable required) supporting 1080p HD video playback
- Multi-window options for multitasking with ease when using the Webtop application
- Business Ready with advanced security policies: resizable and scrollable email, calendar and task widgets; device and SD card encryption; and Citrix® GoToMeeting® and Citrix Receiver™ for Android
- Adobe® Flash® pre-installed
- HTML 5 capable
- 32 GB memory: 16 GB on board and 16 GB microSD™ card pre-installed (actual formatted capacity is less)
- Support for up to 32 GB microSD cards
- Supports wireless charger

### Pricing and availability:

- DROID BIONIC by Motorola will be available in Verizon Wireless Communication Stores and online at [www.verizonwireless.com](http://www.verizonwireless.com) on Sept. 8 for \$299.99 with a new two-year customer agreement.
- Customers will need to subscribe to a Verizon Wireless Nationwide Talk plan beginning at \$39.99 for 450 minutes per month and a smartphone data package starting at \$30 monthly access for 2 GB of data.
- Verizon Wireless Mobile Hotspot data plans are available beginning at \$30 for 2 GB.
- For a limited time, customers who purchase a Lapdock with the DROID BIONIC can receive a \$100 mail-in rebate when subscribing to a \$50, 5 GB data plan or higher.

### Available accessories:

- The Lapdock will be available for \$299.97, the HD Station will be available for \$99.99 and the Adaptor for Webtop Application will be available for \$29.99.
- Vehicle Navigation Dock delivers easy access to maps, favorite contacts, hands-free calling, music, navigation and more and supports streaming of audio and music via the 3.5 mm audio jack, if available, to play through vehicle speakers. The Vehicle Navigation Dock will be available for \$39.99.
- The Battery Dock with standard battery is a pocket-sized accessory with an extra battery included to charge both DROID BIONIC and an extra battery at the same speed as a wall charger. The Battery Dock will be available for \$49.99.

For more information on Verizon Wireless products and services, visit a Verizon Wireless Communications Store, call 1-800-2 JOIN IN or go to [www.verizonwireless.com](http://www.verizonwireless.com). For more information on accessories, visit [www.verizonwireless.com/accessories](http://www.verizonwireless.com/accessories).

### About Motorola Mobility

Motorola Mobility, Inc. (NYSE:MMI) fuses innovative technology with human insights to create experiences that simplify, connect and enrich people's lives. Our portfolio includes converged mobile devices such as smartphones and tablets, wireless accessories, end-to-end video and data delivery, and management solutions, including set-tops and data-access devices. For more information, visit [motorola.com/mobility](http://motorola.com/mobility).

### Media Contacts:

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Motorola Mobility, Inc.

### About Verizon Wireless

Verizon Wireless operates the nation's fastest, most advanced 4G network and largest, most reliable 3G network. The company serves 105.5 million total wireless subscriptions, including 85.7 million retail customers. Headquartered in Basking Ridge, N.J., with 83,000 employees nationwide, Verizon Wireless is a joint venture of Verizon Communications (NYSE: NASDAQ: VZ) and Vodafone (LSE: NASDAQ: VOD). For more information, visit [www.verizonwireless.com](http://www.verizonwireless.com). To preview the real-time broadcast-quality video footage and high-resolution stills of Verizon Wireless operations, log on to the Verizon Wireless Multimedia Library at [www.verizonwireless.com/multimedia](http://www.verizonwireless.com/multimedia).

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# EXHIBIT B

HONORABLE JAMES L. ROBERT

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AT SEATTLE

MICROSOFT CORPORATION,

Plaintiff,

v.

MOTOROLA, INC., et al.,

Defendants.

No. C10-1823-JLR

DEFENDANT AND CROSS-  
PLAINTIFF MICROSOFT  
CORPORATION'S FIRST AMENDED  
ASSERTED CLAIMS AND  
PRELIMINARY INFRINGEMENT  
CONTENTIONS

MOTOROLA MOBILITY, INC., et al.,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

Defendant Microsoft Corporation ("Microsoft") provides to Plaintiffs Motorola Mobility, Inc. ("Motorola Mobility"), Motorola Inc., (n/k/a "Motorola Solutions") and General Instrument Corporation ("General Instrument") (collectively, "Motorola") the following First Amended Asserted Claims and Preliminary Infringement Contentions in compliance with the Court's Standing Order for Patent Cases and with the Minute Order Setting Trial Dates and

DEFENDANT AND CROSS-PLAINTIFF  
MICROSOFT CORPORATION'S FIRST  
AMENDED ASSERTED CLAIMS AND  
PRELIMINARY INFRINGEMENT  
CONTENTIONS - 1

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